

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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KATHLEEN TURNER,

Plaintiff,

v.

EQUIFAX INFORMATION SERVICES

LLC, et al.,

Defendants.

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No. 2:24-cv-02334-SHL-atc

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**ORDER GRANTING DISMISSAL WITH PREJUDICE AS TO DEFENDANT  
EXPERIAN INFORMATION SOLUTIONS, INC.**

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Before the Court is Plaintiff Kathleen Turner’s Notice of Voluntary Dismissal with Prejudice as to Experian Information Solutions, Inc., filed September 23, 2024. (ECF No. 22.) Turner seeks to voluntarily dismiss with prejudice all of her claims against Experian under Federal Rule of Civil Procedure 41(a)(1)(A)(i). (Id. at PageID 112.) Turner’s claims against Defendant Equifax Information Services LLC and Defendant Ability Recovery Services, LLC remain.<sup>1</sup>

Because Experian has not filed an answer or a motion for summary judgment, dismissal under Rule 41(a)(1)(A)(i) would normally be proper. However, in multi-defendant matters, “Rule 21 provides the appropriate basis for dismissal of a single defendant,” not Rule 41. Henderson-Thompson v. Jardoyn, No. 2:22-cv-2013-MSN-cgc, 2022 WL 349896, at \*2 (W.D. Tenn. Feb. 4, 2022) (citing Philip Carey Mfg. Co. v. Taylor, 286 F.2d 782, 785 (6th Cir. 1961)); see also Wilkerson v. Brakebill, No. 3:15-CV-435-TAV-CCS, 2017 WL 401212, at \*2 (E.D. Tenn. Jan. 30, 2017) (collecting district court cases from within the Sixth Circuit recognizing that Rule 21, rather than Rule 41, is applicable when dismissing a single claim or defendant

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<sup>1</sup> Turner filed her notice of settlement with Equifax over three months ago on June 13, 2024. (ECF No. 9.) To date, Turner has not submitted a request to dismiss Equifax from this litigation, and Equifax has not appeared by answer or motion.

instead of an entire lawsuit). The Court will therefore construe Turner's notice of dismissal under Rule 41 as a notice of dismissal under Rule 21. See Henderson-Thompson, 2022 WL 349896, at \*2.

Rule 21 permits a court to drop a party at any time on motion or on its own. Fed. R. Civ. P. 21. Dropping parties under Rule 21 functions as a dismissal of the party. See Henderson-Thompson, 2022 WL 349896, at \*2. Thus, all claims against Defendant Experian Information Solutions, Inc. are **DISMISSED WITH PREJUDICE** under Rule 21. This dismissal does not apply to Turner's claims against Defendants Equifax Information Services LLC and Ability Recovery Services, LLC.

**IT IS SO ORDERED**, this 24th day of September, 2024.

s/ Sheryl H. Lipman  
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SHERYL H. LIPMAN  
CHIEF UNITED STATES DISTRICT JUDGE